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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIE SAMPSON,

Plaintiff,

v.

DIRECTOR NEVADA DEPARTMENT OF
CORRECTIONS,

Defendant.

3:15-cv-82-MMD-VPC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted an emergency motion for declaratory judgment, a declaration to proceed *in forma pauperis*, and a motion for appointment of counsel. (ECF No. 1-1, 1-2, 1-3). Plaintiff has not submitted a complaint and has not paid the full filing fee for this matter or filed an application to proceed *in forma pauperis*.

Pursuant to Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's emergency motion for declaratory judgment and motion for appointment of counsel (ECF No. 1-1, 1-3), but will not file them until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application

1 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
2 *pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall send
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as
6 the document entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
9 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
10 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
11 administrative fee).

12 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court within
13 **thirty (30) days** from the date of this order.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
15 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk
16 of the Court shall also send Plaintiff a copy of his motion for emergency declaratory judgment
17 (ECF No. 1-1).

18 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
19 dismissal of this action may result.

20
21 DATED: This 10th day of February, 2015.

22
23 
24 United States Magistrate Judge
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